

APPLICATION FOR ARREST WARRANT

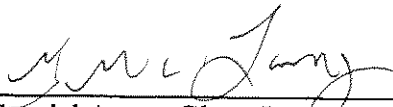
TO: A Judge/Justice or Clerk of the Unified Criminal Division, ^{Knox} ~~Waldo~~ ⁶⁴¹ County

AFFIDAVIT IN SUPPORT OF ARREST WARRANT
(M.R. Crim.P. 4(a) AND INITIAL DETERMINATION
OF PROBABLE CAUSE (M.R. Crim.P. 5(d))

I, Glenn Lang, a Special Agent with the Maine State Police Computer Crimes Unit, state under oath:

On the basis of information and belief, I believe there is probable cause that Eliot Cutler of 523 Naskeag Rd., Brooklin, Maine and 84 Pine St. in Portland, Maine whose date of birth is 07/29/1946, committed the crime(s) of possession of sexually explicit material in violation of 17-A M.R.S. § 284 on the basis of the attached police report which contains the statement(s) of SA Glenn Lang attached hereto and incorporated herein by reference, said statements being true to the best of your affiants knowledge, information, and belief.

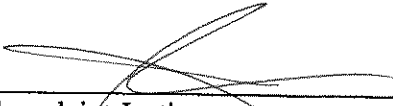
Dated: 3-25-22


Special Agent, Glenn Lang
Maine State Police Computer Crimes Unit

Requested condition(s) of bail: Surrender his passport, very high cash bail.

OATH

The foregoing Application for Arrest Warrant and Affidavit were sworn to before me this 25th day of March, 2022


Complaint Justice
Clerk, Unified Criminal Division
Judge/Justice, Unified Criminal Division



Maine State Police

Computer Crimes Unit

Arrest Warrant attachment

S.A. Glenn Lang

Date: 1-24-21

Case Number 22S003973 Brooklin, Maine – Eliot Cutler CT 110723957

I am a Special Agent assigned to or working with the Maine State Police Computer Crimes Unit. I am currently investigating the offenses of possession of sexually explicit material in violation of 17-A M.R.S. § 284 and/or dissemination of sexually explicit material in violation of 17-A M.R.S. § 283 via the account of username "Eliot Cutler", and the confirmed email address of eliot.cutler@gmail.com.

On December 15, 2021, NCMEC received CyberTip report 110723957 from Dropbox Inc., as required by 18 U.S.C.A. § 2258A. In this case, Dropbox Inc. captured Internet Protocol (IP) address 72.95.94.150 on 12-01-2021 at 15:42:29 hours UTC as being as logging in to the account that uploaded 1 file of sexually explicit material. The reported file has been reviewed by the ESP. Dropbox also captured the name Eliot Cutler and the e-mail address eliot.cutler@gmail.com.

On 1-5-22, the Maine State Police Computer Crimes Unit received a CyberTip from the National Center for Missing and Exploited Children (NCMEC). NCMEC CyberTipline Report Number 110723957 was submitted by Electronic Service Provider (ESP) Dropbox in accordance to federal law, 18 U.S.C.A. § 2258A.

NCMEC is a nonprofit organization that provides services to families and professionals that relate to the abduction and sexual exploitation of children. NCMEC also operates the CyberTipline and the Child Victim Identification Programs to assist law enforcement officers and others in identifying and rescuing victims of child exploitation and child pornography. As part of the NCMEC directives, the NCMEC works with electronic service providers (ESP) and remote computing service providers, such as Facebook, to reduce the dissemination of child pornography images and or videos on the internet. When an ESP becomes aware of suspected child pornography images and/or videos, the

ESP representative may view the images and/or videos in question to determine if the images and/or videos is child pornography and thus a violation of the ESP use agreement with the user(s). If the image and or video is deemed by the ESP representative to be child pornography, the ESP will file an electronic report with the NCMEC. The reporting ESP will provide in the NCMEC report samples of the child pornography images and/or videos, IP addresses captured at the date and time of the child pornography file being uploaded by the user, and any registration information (if available). NCMEC will then research more publicly available information based on the information provided to them by the ESP to determine, if possible, the identification and or geographic location of the user uploading the child pornography images and or videos in order to forward the report to the appropriate jurisdiction. NCMEC will then forward their report to the Regional Internet Crimes Against Children (ICAC) commander for further investigation. The Maine Computer Crimes Unit is the regional ICAC for Maine.

On January 6, 2022, Office Specialist Nicole Denis began an investigation in to this Cybertip.

On January 6, 2022 Denis reviewed the reported file and viewed what appears to be child pornography. The reported video appears to be an adult male having sexual intercourse with a prepubescent female, approximately 4-6 years of age.

On January 6, 2022, Denis ran the reported IP address in this NCMEC referral, 72.95.94.150, through an open source IP address GeoLocator called MaxMind (www.maxmind.com), which listed an approximate location of Penobscot, Maine, and Internet Service Provider (ISP) being Consolidated Communications.

On January 6, 2022, Denis submitted one subpoena request to Assistant Attorney General (AAG) Paul Rucha for one of the reported IP addressed used to log into this Dropbox account:

IP: 72.95.94.150

ISP: Consolidated Communications

Location: Penobscot, Maine

Incident date/time: 12-01-2021 at 15:42:29 hours UTC

On January 14, 2022, Consolidated Communications responded and indicated that IP 72.95.94.150 on 12-01-2021 at 15:42:29 hours UTC came back to Eliot Cutler with a service address of 523 Naskeag Rd, Brooklin, Maine. They also included a phone number of 207-671-2010

On January 24, 2022, by logging onto TLOxp which is a commercially available, subscription based database service offering access to law enforcement officers in the course of their duties, Denis was able to search the information provided on the subpoena return. Denis searched for an ELIOT CUTLER which produced one (1) result for an Eliot Cutler, DOB 07-29-1946, residing at 1172 SHORE RD. CAPE ELIZABETH, ME 04107, which is inconsistent with the subpoena results, however; Cutler has a past address of 523 NASKEAG RD. BROOKLIN, ME 04616, which is consistent with the subpoena results.

On 1-25-22, I began my investigation into this case. I reviewed and confirmed Denis's work.

I have reviewed the video file that was sent by Dropbox. The reported video appears to be an adult male having sexual intercourse with a prepubescent female, approximately 4-6 years of age.

I researched Eliot Cutler through the Bureau of Motor Vehicles, which shows he is using 1172 Shore Rd. Cape Elizabeth, Maine as a registered address on his Maine Driver's License. GEL

1-31-21 I drafted an application for a search warrant for the contents of the Dropbox account listed above. The warrant was signed by Justice Walker.

1-31-21 I emailed a copy of the search warrant to Dropbox Inc.

2-14-22 I received a reply from Dropbox legal compliance with a number of files and folders that were the contents of the account listed above.

There was some difficulty actually downloading the material from Dropbox due to its size, approximately (447GB). After several attempts to download this data I went to the office in Vassalboro and Forensic Analyst Stacy Francoeur did the download for me. She also uncompressed the data which took several hours.

2-18-22 I collected the drive with the data from Francoeur.

2-18-22 I started examining the items sent by Dropbox.

I located the file that was reported to NCMEC and was the basis for the Dropbox search warrant. I found a number of adult pornography videos, but no other child pornography.

Another item Dropbox sent was a file named file-activity.csv. This appeared to be an activity log for the account. I located 867 items of interest. The first being the upload of the child pornography file described above. From the log: "2021-12-15 04:38:37 utc 21737142 added 14672547/root/wine/wine/wine/cellar tracker/94sp/video_2017-07-07_17-20-19.mp4" The next 866 items were related to entries from the log such as: "2019-04-07 14:49:42 utc 21737142 added 86460 /root/aumbtrjxebypx7ca1s/athena lynn westerman/photos/nudes/dimples4654_148099779064". Some of these files were pictures and some were videos. Some had "Nude" in the title while others had "Non Nude"

3-17-22 Sgt. Jessica Shorey of the CCU drove past the residence at 84 Pine St. and noted there were 2 vehicles parked at the residence. A 2012 Cadillac with a Maine Conservation registration plate of 1753M was registered to Mr. Cutler. The other car, a red 2002 BMW with a Maine Registration Plate 3391NB, is registered to Melanie Cutler.

3-22-22 I obtained search warrants for the Cutler's homes in Portland and Brooklin.

3-23-22 The search warrants were executed simultaneously. I was assigned to the Brooklin warrant as Sgt. Pickering spotted Eliot Cutlers Cadillac parked at the Brooklin home the night of the 22nd.

3-23-22 at 0732 We arrived at the Cutler residence in Brooklin. With me was State Police officers Det. Chris Cookson, Sgt. Tom Pickering, SA Jason Bosco, Sgt. Scott Bryant, Det. Taylor Bagley, Det. Jake Ferland, Forensic Analysts Victoria Brennan and Stacy Francoeur. From Homeland Security Chase Ossinger and Officer Amie Torrey of the Bar Harbor Police Dept. Torrey is one of the CCU affiliates and assists with cases in this area.

When we arrived I went to the front door and knocked for several minutes without getting any response. Mr. Cutler's vehicle was parked at the home. After several minutes I entered the home through the unlocked front door and announced "State Police".

We started looking through the home for anyone currently at the house. I continued to announce "State Police" and "State Police Search warrant". I started making my way upstairs when I heard one of the offices talking to someone on the first floor. I went back to the first floor and met with Mr. Cutler and his wife. Mrs. Cutler was in bed under blankets with her foot elevated as she recently had surgery. I asked Mr. Cutler to come out to the kitchen where I explained we had a search warrant would like his cooperation regarding our child pornography investigation. He said he needed to call his lawyer. I told him he and his wife were free to leave and we would process the house.

He said he needed to talk to his wife and I explained I would need to come with him. That area had not been searched and I could not allow him free private access. There could have been weapons or evidence in that area. Mr. Cutler told his wife that the search warrant was for child pornography and we would probably find some on one of his computers. This statement was recorded. There was a bathroom attached to the room where Mrs. Cutler was recuperating and that is where Mr. Cutler's cell phone was located.

Mr. Cutler returned to the kitchen table where he waited for us to search the property. Most of the time he was sitting at the table was recorded.

There were dozens of devices located during the search that were capable of storing digital evidence. We tried to focus on what we believed to be his rather than his wife's.

On the second floor of the home there was a bedroom with a large bed that had very few items in it. There was a CPAP machine and a number of pieces of media such as flash cards, usb drives and external hard drives. I believe this is where Mr. Cutler was sleeping. There were very few other items in the room.

We had our forensic van on site to preview some of the media we were collecting. Our analysts were FA Victoria Brennan and FA Stacy Francoeur. When I checked on their progress FA Brennan told me she had located a very large number of child pornography videos on the flash cards that were taken from the second floor bedroom with the CPAP machine. She showed me a couple of the videos and they were of young girls in the 4 year old range being sexually exploited.

Mr. Cutler asked if we could leave his cell phone and I said we could not. SA Bosco said he probably would not have it back that day. Mr. Cutler said to SA Bosco that he desperately needed a Quicken file for his banking that was stored on his computer and a thumb drive. We did not immediately locate the thumb drive in the items we had secured. I told him we had already removed his computer, but I was willing to reconnect it and get the file he needed, but we would need the password. He provided that password, but before I was able to reconnect the computer the thumb drive was located. We had missed the thumb drive in our initial search and found it under some papers in his office. FA Brennan checked the thumb drive and the only item on it was his Quicken file. I returned the thumb drive to Mr. Cutler.

From Troop Investigator Jake Ferland: On 3/23/22 when we executed the search warrant at Eliot Cutler's house in Brooklin, after we made initial entry and we were still clearing the residence, I asked Eliot if there was anyone else in the house because there was someone sleeping upstairs and there was a sleep apnea machine. He told me that he was the one sleeping upstairs. While I was sitting with him in his kitchen, he told me he could make the search much quicker for us by showing us where things are but he should really wait to talk to his lawyer. He had already talked to someone on the phone while trying to get ahold of his attorney and told them this search warrant was for "child porn." I didn't respond to him. While Det. Bagley was searching the kitchen, he again stated that we didn't need to search there because there was nothing in the kitchen.

From Officer Amie Torrie of the Bar Harbor Police Dept.: On 3/23/22 I, Officer Amie Torrey of the Bar Harbor Police Department, assisted S/A Glenn Lang and other MCCU officers with executing a search warrant at 523 Naskeag Rd in Brooklin Maine belonging to Mr. Eliot Cutler. Part of my duties was to stay in the kitchen with Mr. Cutler until the search of the residence was completed. At one point Mr. Cutler had requested his phone back and he was advised by S/A Lang that he wasn't sure he would be able to get that to him today. S/A Lang went into the back office of the house and I stayed with Mr. Cutler in the kitchen. I was standing at the kitchen island and Mr. Cutler was sitting in at the kitchen table. Mr. Cutler asked again about getting his phone back. Without any questions or comments made to Mr. Cutler by me he stated to me that whatever we were

looking for we weren't going to find on his phone. He stated that he needed his phone back. I advised S/A Lang that Mr. Cutler was asking about his phone again.

We were onsite until just about noon.

3-24-22 I spoke to FA Brennan who was examining some of the media seized at our lab in Vassalboro. She indicated that the compact flash cards she had mentioned before had literally thousands of videos of very young children being sexually abused. She provided me with some of the titles of these files and stated the titles quite accurately described the content of the videos. Below is a few of the titles of files located on the cards.

8Yo Boy 11Yo Girl Neighborhood Kids - 10Yrs Bufing 04-01-2005
9yo-bedfuck
brazilian 8yo anal
PTHC 2013 (8yo girl) little devil 1 xvid
12 year old fuck
11yo Perfect body
9yo orgasm
(Pthc) Open f49-1 (9Yo Girl Fucked With 11Yo Boy) (kleuterkutje) (pedo) (ptsc) (TVG) (babyshivid) (childlover) (r@ygold) (nablot) (st peter)
finally fucked my shy daughter
Pthc - - Bd Sm BdsM Torture Slave Bondage 1:59Mins - 10Yo

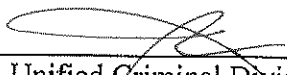
In the world of child sexual exploitation PTHC means Pre Teen Hard Core

I feel that because of Mr. Cutler's high volume of very young child pornography and extreme wealth while facing a felony prosecution he is a very high flight risk.

FINDINGS

The foregoing Application for Arrest Warrant and Affidavit, having been submitted to and considered by the undersigned, finds that probable cause exists for the issuance of a Warrant for the Arrest of the aforementioned Eliot Cutler.

Dated: 3/25/22


Clerk, Unified Criminal Division
Judge, Unified Criminal Division

- Cash bail ^{or} 50,000 No 3rd Party
- Not to possess any device that is able to connect to internet
- Not to possess any sexually explicit material